

Child Protection: Checklist for Screening PPMP Cases for Domestic Violence

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This document is a work-in-progress. Consult the Office of Dispute Resolution for updated versions.

Intake Workers are reminded there is a presumption against accepting PPMP* cases where Domestic Violence is an issue. **The presumption against mediating PPMP cases involving Domestic Violence is due to the fact that bringing the survivor and the perpetrator together in the same building at the same time is dangerous. Even separate arrival and departure times may not be enough to protect the survivor.**

Questions for Appropriate Non-Parent Parties:

- 1) Ask appropriate non-parent parties the following questions during intake [such parties may include the caseworker, lawyer guardian ad litem, child's attorney (if different than the lawyer GAL), mother's attorney, and father's attorney, other family members, etc.]:
 - A) Has domestic violence occurred in this family? Have family members been asked about domestic violence? Has the case been reviewed for any indication of domestic violence? [If not, remember to still ask the parents the question at #2.]
 - B) If so, who is the perpetrator and who is the victim?
 - C) Is there a PPO/NCO (Personal Protection Order or No Contact Order) in this case?
 - D) Is the perpetrator someone who would need to be a part of this mediation?
 - If the answer is no, i.e. the perpetrator is in jail; has moved out-of-state and no longer is in contact with family; is deceased; is not the father of the children, etc., then the domestic violence case screening is complete and the mediation may proceed because the perpetrator would not be invited to nor receive notice of the mediation.
 - If the answer is yes, then proceed with the remainder of this checklist.
 - E) Inquire of the party indicating Domestic Violence is an issue about the history of the domestic violence—severity, frequency, threats made, etc.
 - F) Inquire of the party indicating that Domestic Violence is an issue whether or not the survivor is receiving services/has been given referrals for services related to domestic violence. Also, let that party know you will be arranging for screening for the survivor and the perpetrator prior to determining whether or not mediation is appropriate.

* "PPMP" and "PPMP Centers" refer to permanency planning mediation programs that serve in child protection cases. See Section 6.5 for discussion of some important differences between mediation in child protection and domestic relations cases.

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- G) If Domestic Violence has been identified as an issue, continue with the remainder of this protocol. If not, continue with the parent question at #2, and then with the rest of the checklist, if appropriate.

Questions Appropriate for Parent Parties:

- 2) Even if none of the non-parent parties has indicated that domestic violence is an issue, then, after receiving permission from their respective attorneys to speak with their clients, discuss with the parents the following in separately sessions. If by telephone, then begin the conversation by asking: “Hi, this is Jane Intake Worker at the Mediation Center and I am calling because your case has been referred to mediation and I want to explain this to you. Is this a good time to talk? Is there anyone else around right now?” If not home alone, arrange a time to talk when the person will be alone.
- A) Explain the mediation process.
- B) If there is another parent or current boyfriend/girlfriend that is being considered as a participant in mediation ask the following: [if no one else who could be a perpetrator is a potential participant in mediation, then this question is unnecessary]: “Do you have any concerns about being in the same room as [name the potential perpetrator] to discuss issues concerning your children?”
- If no, and the non-parent parties have indicated that Domestic Violence **IS NOT** an issue, then the Domestic Violence Screening is complete and mediation may proceed.
 - If no, and the other non-parent parties have indicated that Domestic Violence **IS** an issue, then inform the parent that you will be arranging for an additional interview appointment prior to the mediation session.
 - If yes, **whether or not** other parties have indicated Domestic Violence is an issue, note what the concerns are, and let the survivor know that you will be arranging for an additional interview prior to the mediation session, as well as informing this party’s attorney about his/her concerns.

If Domestic Violence Appears to Be an Issue

If any of the parties has indicated that Domestic Violence is an issue and the perpetrator would need to participate in mediation, continue with these actions:

- 1) Arrange for a screening interview to be conducted by the person(s) indicated in the center’s domestic violence protocol, using the attached screening tool (or a similar tool approved by the center’s Steering Committee). [See Appendix E for a sample screening tool.] The screening interview should be conducted by someone highly trained and experienced in domestic violence issues, such as someone from the local domestic violence shelter, the survivor’s therapist, etc. That person may be the intake worker if the intake worker happens to have appropriate training and experience.
- 2) Use the results of the screening interview to determine, in consultation with appropriate parties such as the interviewer, the survivor’s attorney, survivor and survivor’s support person (if

indicated) whether safe conditions can be created for mediation and what those conditions would be, keeping in mind the presumption against using mediation in such cases. A consideration for pursuing mediation should be that the survivor, his/her attorney and support persons (i.e. domestic violence advocate, therapist, etc.) are in favor of mediation and will assist with determining the conditions needed to keep the situation safe.

- 3) If a decision to not accept the case for mediation is made in a situation where the case was ordered by the court for mediation, then the court must be informed that the case will not be accepted by the center for mediation due to concerns about domestic violence issues that have been raised.
- 4) As appropriate, refer to the center's domestic violence protocol for creating safe conditions, informing mediators, etc. Safe conditions should be arranged in consultation with the survivor, the survivor's attorney and support persons.
- 5) If mediation is deemed appropriate despite domestic violence, the survivor should be informed prior to mediation that if she becomes uncomfortable and wants to terminate the session for any reason, she should whisper this to her attorney and her attorney would request a private conference with his/her client. The attorney would also have to be briefed of this plan, as well as the mediator(s).

